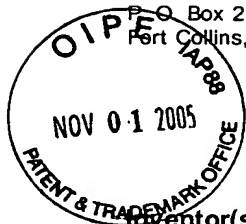


IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor(s): Arlen L. ROESNER

Confirmation No.: 2442

Application No.: 10/647,915

Examiner: Edwards, Anthony

Filing Date: 8/26/2003

Group Art Unit: 2835

Title: DRIVE LOADING SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Aug. 29, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: Oct. 28, 2005

OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages:

Typed Name: Cindy C. Dioso

Signature: Cindy Dioso

Respectfully submitted,

Arlen L. ROESNER

By James L. Baudino
James L. Baudino

Attorney/Agent for Applicant(s)

Reg. No. **43,486**

Date: (214) 855-7544

Telephone No.:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Arlen L. ROESNER
Serial No.: 10/647,915
Filing Date: August 26, 2003
Group Art Unit: 2835
Examiner: Edwards, Anthony Q.
Title: DRIVE LOADING SYSTEM
Docket No.: 200206781-1

MAIL STOP: APPEAL BRIEF PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

APPEAL BRIEF

Applicant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 2, 2005, finally rejecting Claims 1-20. Applicant filed a Notice of Appeal on August 29, 2005. Applicant respectfully submits herewith this Appeal Brief with authorization to charge the statutory fee of \$500.00.

11/02/2005 NNGUYEN1 00000025 082025 10647915

01 FC:1402 500.00 DA

REAL PARTY IN INTEREST

The present application was assigned to Hewlett-Packard Development Company L.P. as indicated by an assignment from the inventor recorded on October 7, 2003 in the Assignment Records of the United States Patent and Trademark Office at Reel 014029, Frame 0963.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-20 stand rejected pursuant to a Final Office Action mailed June 2, 2005. Claims 1-20 are presented for appeal.

STATUS OF AMENDMENTS

No amendment has been filed subsequent to the mailing of the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

Embodiments of the present invention as defined by independent Claim 1 are directed toward a drive loading system (10) comprising a chassis (16) adapted to receive at least one drive (14) and a carrier (12) adapted to support insertion of the drive (14) into the chassis (16) in a first direction. The carrier (12) is further adapted to move the drive (14) in a second direction transversely relative to the first direction to engage the drive (14) with a socket (18) and support insertion of the drive (14) into the chassis (16) in a transverse orientation coplanar with the first and second directions. (at least at pages 2 and 3, paragraphs 0013 and 0014; pages 6 and 7, paragraph 0024; and figures 1 and 5).

Embodiments of the present invention as defined by independent Claim 11 are directed toward a drive loading system (10) comprising means (16) for receiving a drive (14) in a first direction and means (12) for supporting insertion of the drive (14) into the receiving means (16) in the first direction. The supporting means (12) is

adapted to move the drive (14) in a second direction transversely relative to the first direction to engage the drive (14) with a socket (18) and support insertion of the drive (14) in a transverse orientation coplanar with the first and second directions. (at least at pages 2 and 3, paragraphs 0013 and 0014; pages 6 and 7, paragraph 0024; and figures 1 and 5).

Embodiments of the present invention as defined by independent Claim 15 are directed toward a drive carrier (12) comprising at least one support member (40, 42, 44) adapted to support insertion of a drive (14) into a chassis (16) in a first direction and an actuator (24) coupled to the at least one support member (40, 42, 44). The actuator (24) is adapted to move the drive (14) in a second direction transversely relative to the first direction to engage a socket (18) within the chassis (16). The at least one support member (40, 42, 44) is adapted to support insertion of the drive (14) into the chassis (16) in a transverse orientation coplanar with the first and second directions. (at least at pages 2-4, paragraphs 0013-0017; pages 6 and 7, paragraphs 0022-0024; and figures 1, 2A, 2B, 4A, 4B and 5).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,481,431 issued to Siahpolo et al. (hereinafter “*Siahpolo*”).

ARGUMENT

A. Standard

1. 35 U.S.C. § 102

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claims” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

B. Argument

1. Claims 1-14

Claims 1-14 were rejected under 35 U.S.C. §102(b) as being anticipated by *Siahpolo*. Of these claims, Claims 1 and 11 are independent. Applicant respectfully submits that independent Claims 1 and 10 are patentable over the *Siahpolo* reference, and thus remaining Claims 2-10 and 12-14 which depend respectively from independent Claims 1 and 11 are also patentable.

In the Final Office Action, the Examiner states that *Siahpolo* purportedly discloses a “carrier adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions” as recited by Claim 1 (Final Office Action, page 2). Applicant respectfully disagrees.

Siahpolo appears to disclose that the drive of *Siahpolo* is loaded into the chassis of *Siahpolo* from the top of the chassis which, in the Final Office Action, the Examiner appears to equate to the “first direction” recited by Claim 1 (*Siahpolo*, column 4, lines 40-60, column 5, lines 36-67, column 6, lines 1-20, figures 7 and 8A-8D) (Final Office Action, page 2). *Siahpolo* also appears to disclose that actuation of the handle 40 of *Siahpolo* moves the drive into engagement with a connector which, in the Final Office Action, the Examiner appears to equate such movement of the drive in *Siahpolo* as the “second direction” recited by Claim 1 (*Siahpolo*, column 4, lines 40-60, column 5, lines 36-67, column 6, lines 1-20, figures 7 and 8A-8D) (Final Office Action, page 2). Thus, in the Final Office Action, with respect to the *Siahpolo* device, the Examiner indicates that “coplanar with the first and second directions” is equivalent to the “face of the sheet of the drawings shown in Figs. 8A-8D” of *Siahpolo* (Final Office Action, page 2).

Applicant’s Claim 1 recites “the carrier adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions” (emphasis added). Applicant respectfully submits that the transverse orientation of the drive device of the *Siahpolo* system as referred to by the Examiner in figures 8A-8D of *Siahpolo* is disposed perpendicular to the first and second directions indicated by the Examiner instead of coplanar with the first and second

directions as is required by Applicant's Claim 1. For example, referring to figures 8A-8C of *Siahpolo*, Applicant respectfully submits that the transverse orientation of the drive device of *Siahpolo* according to figures 8A-8D of *Siahpolo* is in/out of the page, and not coplanar with the face of the page. Applicant respectfully submits that for the drive device of the *Siahpolo* system to be "insert[ed] . . . in a transverse orientation coplanar with the first and second directions" as recited by Claim 1 based on the first and second directions indicated by the Examiner in the Final Office Action (coplanar being the face of the sheet of Figs. 8A-8D), the drive device of *Siahpolo* indicated in figures 8A-8D of *Siahpolo* would need to be turned onto its side so that its top surface was coplanar with the sheet of the page.

As a further illustration of the above, Applicant respectfully refers the Examiner to the diagrams below (see page 6 of Applicant's Appeal Brief) which includes figure 8B of *Siahpolo*. In the top diagram illustrated below, Applicant has illustrated a view looking down onto the top of the drive device of *Siahpolo* relative to figure 8B to indicate the "transverse orientation" of the drive device in the *Siahpolo* system (the arrow adjacent the top diagram illustrating the transverse direction). If the top diagram were rotated or tilted into the same viewing angle as figure 8B of *Siahpolo*, the transverse direction is clearly in/out of the page of figure 8B and not coplanar with the face of the page of figure 8B. Thus, as illustrated in the diagrams below, the "transverse orientation" of the drive device of *Siahpolo* system in figure 8B is perpendicular to the face of the page of figure 8B instead of "coplanar" as required by Applicant's Claim 1. Accordingly, Applicant respectfully submits that for at least this reason, *Siahpolo* does not anticipate Claim 1.

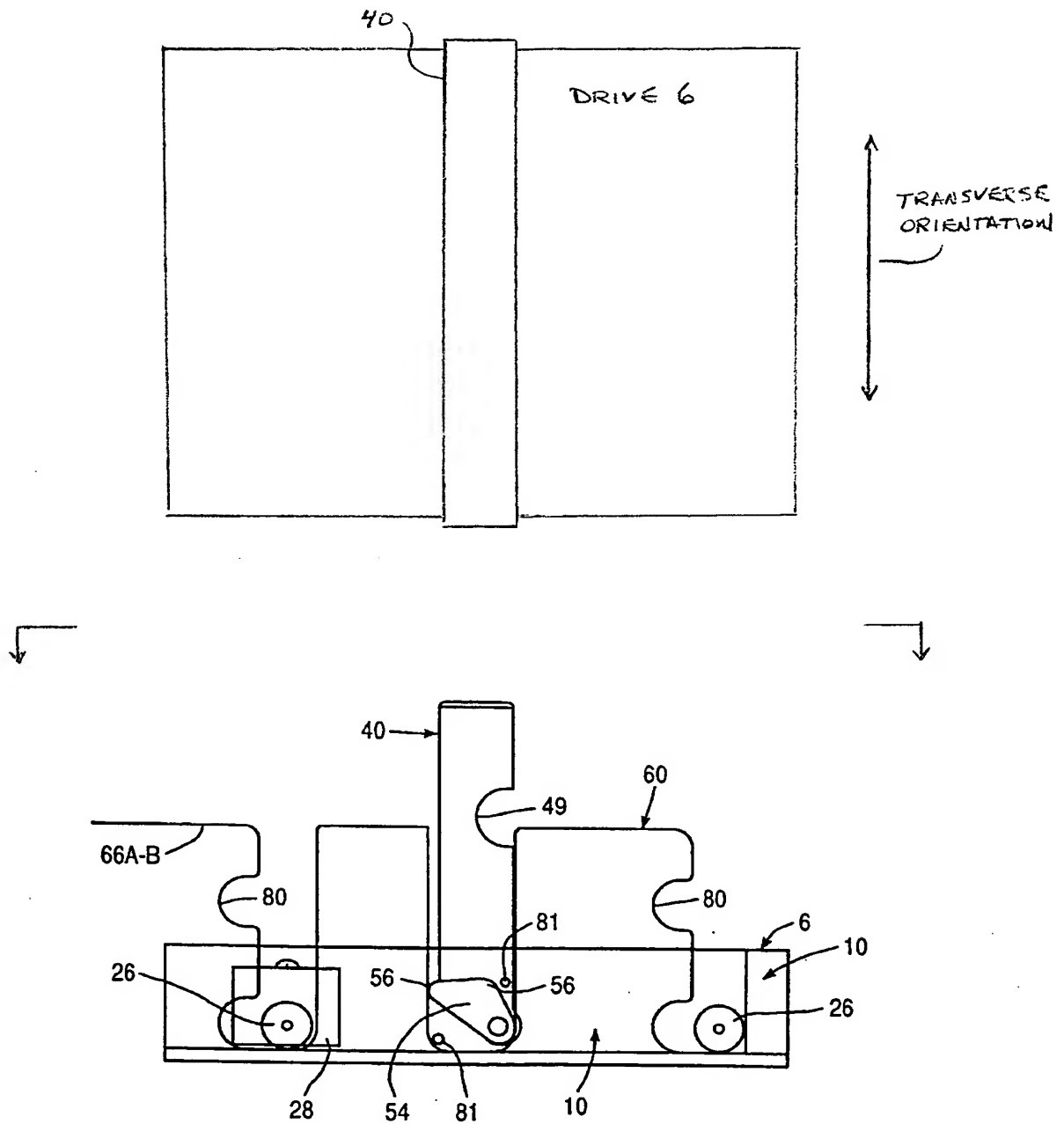


FIG. 8B

Independent Claim 11 recites “means for receiving a drive in a first direction” and “means for supporting insertion of the drive into the receiving means in the first direction” where “the supporting means [is] adapted to move the drive in a second direction transversely relative to the first direction” and support insertion of the drive into “in a transverse orientation coplanar with the first and second directions” (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that *Siahpolo* also does not anticipate Claim 11.

Accordingly, for at least the reasons discussed above, independent Claims 1 and 11 are clearly patentable over *Siahpolo*. Therefore, Claims 1 and 11, and Claims 2-10 and 12-14 that depend respectively therefrom, are in condition for allowance.

2. Claims 15-20

Claims 15-20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Siahpolo*. Of these claims, Claim 15 is independent. Applicant respectfully submits that independent Claim 15 is patentable over the *Siahpolo* reference, and thus remaining Claims 16-20 which depend from independent Claim 15 are also patentable.

Independent Claim 15 recites “at least one support member adapted to support insertion of a drive into a chassis in a first direction” and “an actuator coupled to the at least one support member, the actuator adapted to move the drive in a second direction transversely relative to the first direction to engage a socket within the chassis, the at least one support member adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions” (emphasis added). As discussed above in connection with Claim 1, Applicant respectfully submits that the transverse orientation of the drive device of the *Siahpolo* system as referred to by the Examiner in figures 8A-8D of *Siahpolo* is disposed perpendicular to the first and second directions indicated by the Examiner in the Final Office Action (page 2), and not coplanar with the first and second directions as is required by Applicant’s Claim 15. For example, referring to figures 8A-8C of *Siahpolo*, Applicant respectfully submits that the transverse orientation of the drive

device of *Siahpolo* according to figures 8A-8D of *Siahpolo* is in/out of the page, and not coplanar with the face of the page on which figures 8A-8D reside. Applicant also refers to the diagram on page 6 of Applicant's Appeal Brief which clearly indicates that the transverse orientation of the drive device of *Siahpolo*, as presented in figure 8B of *Siahpolo*, is perpendicular to the face of the page of figures 8A-8D instead of being "coplanar" as is required by Applicant's Claim 15. Accordingly, for at least this reason, Applicant respectfully submits that *Siahpolo* does not anticipate Claim 15.

Accordingly, for at least the reasons discussed above, independent Claim 15 is clearly patentable over *Siahpolo*. Therefore, Claim 15, and Claims 6-20 that depend therefrom, are in condition for allowance.

CLAIMS APPENDIX

1. A drive loading system, comprising:
a chassis adapted to receive at least one drive; and
a carrier adapted to support insertion of the drive into the chassis in a first direction, the carrier further adapted to move the drive in a second direction transversely relative to the first direction to engage the drive with a socket, the carrier adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions.
2. The system of Claim 1, further comprising a guide adapted to align the drive with the socket.
3. The system of Claim 1, further comprising a guide adapted to align the drive with the socket before movement of the drive in the second direction.
4. The system of Claim 1, wherein the carrier comprises an actuator adapted to move the drive in the second direction.
5. The system of Claim 1, wherein the carrier comprises an actuator adapted to disengage the drive from the socket.
6. The system of Claim 1, wherein the carrier comprises an actuator adapted to cooperate with the chassis to move the drive in the second direction.
7. The system of Claim 1, wherein the first direction is perpendicular to the second direction.
8. The system of Claim 1, wherein the carrier is adapted to support the drive in the chassis after engagement of the drive with the socket.
9. The system of Claim 1, wherein the chassis comprises a guide rail adapted to restrict movement of the drive in the second direction until alignment of the drive with the socket.

10. The system of Claim 1, wherein the carrier comprises an actuator adapted to move the drive in the second direction after insertion of the carrier into the chassis a predetermined distance.

11. A drive loading system, comprising:
means for receiving a drive in a first direction; and
means for supporting insertion of the drive into the receiving means in the first direction, the supporting means adapted to move the drive in a second direction transversely relative to the first direction to engage the drive with a socket, the supporting means adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions.

12. The system of Claim 11, further comprising means for aligning the drive with the socket.

13. The system of Claim 11, further comprising means to restrict movement of the drive in the second direction until insertion of the drive a predetermined distance into the receiving means.

14. The system of Claim 11, wherein the supporting means comprises means for disengaging the drive from the socket.

15. A drive carrier, comprising:
at least one support member adapted to support insertion of a drive into a chassis in a first direction; and
an actuator coupled to the at least one support member, the actuator adapted to move the drive in a second direction transversely relative to the first direction to engage a socket within the chassis, the at least one support member adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions.

16. The drive carrier of Claim 15, wherein the actuator is further adapted to move the drive in a direction opposite the second direction to disengage the drive from the socket.

17. The drive carrier of Claim 15, wherein the second direction is perpendicular to the first direction.

18. The drive carrier of Claim 15, further comprising a locking element adapted to releasably secure the actuator.

19. The drive carrier of Claim 15, wherein the actuator is adapted to cooperate with a portion of the chassis to move the drive in the second direction.

20. The drive carrier of Claim 15, wherein the actuator comprises an arm pivotally coupled to the at least one support member and adapted to engage the drive to move the drive in the second direction.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX


None

CONCLUSION

Applicant has demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Commissioner is authorized to charge the statutory fee of \$500.00 to Deposit Account No. 08-2025 of Hewlett-Packard Company. Although no other fee is believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,


James L. Baudino
Registration No. 43,486

Date: October 28, 2005

Correspondence To:

L. Joy Griebenow
Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400
Tel. (970) 898-3884